* Case No. 91-501-SPHA 1st Councilmanic District

Harry J. Huntsman Petitioner * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an amendment to the site plan previously approved in Case No. 69-95-A and variances from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 2 feet and a rear yard setback of 6 feet in lieu of the required 30 feet for each; from Section 409.8.A.4 to permit parking setbacks of 2 feet and 4 feet, respectively, in lieu of the required 10 feet; from Section 409.6.A.2 to permit / parking spaces in lieu of the required 12 spaces; from Section 409.4 to permit a minimum parking aisle width of 17 feet in lieu of the required 20 feet; from Section 409.11 that the property owner not be required to provide a loading area; from Section 409.8.A.2 to permit a crusher run surface in lieu of the required paying or macadam surface on all driveways and parking areas; and from Section 409.8.A.6 that the property owner not be required to provide a permanently striped parking area, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and was represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition were John Dietz, adjoining property owner, and Paul Lee, Professional Engineer. There were no Protestants.

> 5) When applying for a building permit, the site plan and landscaping plan filed must reference this

> case and set forth and address the restrictions of

TIMOTHY M. KOTROCO

for Baltimore County

Deputy Zoning Commissioner

this Order.

TMK:bjs

Testimony indicated that the subject property, known as 4123 Washington Boulevard, consists of 6,612.4 sq.ft. zoned B.R.-C.S.1 and is improved with a one-story block service garage building. Petitioner is desirous of constructing a second floor addition to the existing building to provide needed storage space and accommodate growing business. Testimony indicated the building was constructed in the 1940s and due to its location on the property and irregular shape of the lot, the requested variances are necessary in order to construct the proposed addition. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of surrounding uses.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

> > - 2-

Baltimore County Government Zoning Commissioner

Office of Planning and Zoning

August 28, 1991

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

Very truly yours,

TIMOTHY M. KOTROCO

for Baltimore County

Deputy Zoning Commissioner

above-captioned matter. The Petitions for Special Hearing and Zoning

able, any party may file an appeal to the County Board of Appeals within

thirty (30) days of the date of this Order. For further information on

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 35 day of August, 1991 that the Petition for Special Hearing to approve an amendment to the site plan previously approved in Case No. 69-95-A for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 2 feet and a rear yard setback of 6 feet in lieu of the required 30 feet for each; from Section 409.8.A.4 to permit parking setbacks of 2 feet and 4 feet, respectively, in lieu of the required 10 feet; from Section 409.6.A.2 to permit 7 parking spaces in lieu of the required 12 spaces; from Section 409.4 to permit a minimum parking aisle width of 17 feet in lieu of the required 20 feet; from Section 409.11 that the property owner not be required to provide a loading area; from Section 409.8.A.2 to permit a crusher run surface in lieu of the required paving or macadam surface on all driveways and parking areas; and

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section See Attached

______ of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the C. following reasons: (indicate hardship or practical difficulty)

 Existing uses; Irregular shape of property; 3. Need for expansion.

7-20 % 400

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of periury, that I/we

which is the subject of this Petition. Legal Owner(s): Contract Purchaser: Harry J. Huntsman ______ (Type or Print Name) (Type or Print Name) Harry J. Huntonan -------(Type or Print Name) ------City and State Attorney for Petitioner S. Eric Dinenna, Fequire 8123 Washington Blvd. (Type/of Frint Name) Halethorpe, MD 21227 llun Name, address and phone number of legal owner, con-**₡**09 Washington Ave., Ste. 600 tract purchaser or representative to be contacted S. Eric DiNenna, Esquire Towson, MD 21204 City and State 409 Washington Ave., Ste. 600 Attorney's Telephone No.: _226-6820_____ -Toyson 7-MB----21-204; -296-6820----Phone No.

of June 19-11, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27th day of August, 1991, at 2 o'clock FILED 5/41/91 BY JLL
ANY TIME OF DAY THE HEND TIME PET REQUESTS TO BE HEARD TOWETHER WITH ITCM # 445

Zoning Commissioner of Baltimore County.

from Section 409.8.A.6 that the property owner not be required to provide

a permanently striped parking area, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) Prior to the issuance of any permits, Petitioner shall submit a landscape plan for approval by the Deputy Director of Planning and the Baltimore County Landscape Planner. A copy of the approved plan shall be submitted to this office for inclusion in the case file prior to the issuance of any permits.

3) The crusher run surface to the rear of the subject property shall be treated twice a year in accordance with DEPRM Article 10.18.03.D to prevent particulate matter from becoming airborne. Petitioner shall maintain permanent records which establish that the required treatments have taken place in each of the required years from the date of this Order until the subject use ceases on the subject property. Such records shall be made available on demand for inspection by the Zoning Enforcement Division of the Office of Zoning.

4) The Petitioner currently uses the existing driveway, located on both his property and the adjoining property at 4121 Washington Boulevard as depicted on Petitioner's Exhibit 1, to gain access to the rear of the subject site. Prior to the issuance of any permits for his property, the Petitioner shall cause to be recorded among the Land Records of Baltimore County an easement agreement with the owner of 4121 Washington Boulevard in which they grant each other, their heirs, successors and assigns and any future transferree of the subject property the right to use the driveway in perpetuity for ingress and egress. This easement agreement shall run with the land. A copy of the recorded agreement shall be submitted to this Office for inclusion in the case file prior to the issuance of any permits.

- 4-

are the legal owner(s) of the property

4123 Washington Boulevard

provide a loading area;

1. Section 238.2 to permit a 2 foot side yard in lieu of the required 30 feet:

2. Section 238.2 to permit a 6 foot rear yard in lieu of the required 30 feet; 3. Section 409.8A4 to permit a parking setbacks of 2 feet and 4

feet in lieu of the required 10 feet; 4. Section 409.6A2 to permit seven parking spaces in lieu of

the required twelve spaces; 5. Section 409.4 to permit a minimum parking isle width of 17

feet in lieu of the required 20 feet; 6. Section 409.11 that the property owner not be required to

7. Section 409.8A.2 to allow the driveways and parking areas not to be paved or macadamed, but to have a crusher run surface;

8. Section 409.8A6 that the property owner not be required to provide a permanently striped parking area.

- 5-

File

cc: People's Counsel

111 West Chesapeake Avenue

S. Eric DiNenna, Esquire

Towson, Maryland 21204

Dear Mr. DiNenna:

TMK:bjs

409 Washington Avenue, Suite 600

Case No. 91-501-SPHA

(4123 Washington Boulevard)

Harry J. Huntsman - Petitioner

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE

S/S Washington Boulevard, 200' E of Old Washington Road

Variance have been granted in accordance with the attached Order.

filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

13th Election District - 1st Councilmanic District

Towson, MD 21204

887-3353

(over)

Paul Lee Engineering Inc. 301 W. Pannylvania Aca Towson, Maryland 24201

DESCRIPTION

#4123 WASHINGTON BOULEVARD THIRTEEN ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located on the south side of Washington Boulevard, said point also being N 45°25'00" E 200 feet + from the center of Old Washington Road; thence binding on the south side of Washington Boulevard, (1) N 45°25'00" E 75.00 feet, thence leaving said south side of Washington Boulevard, (2) S 48006'10" E 107.09 feet to the north side of Old Washington Road, thence binding on the north side of Old Washington Road, (3) S 71°27'10" W 86.06 feet, thence leaving said north side of Old Washington Road, (4) N 48⁰06'10" W 69.24 feet to the point of beginning.

Containing 6,612.4 square feet of land, more or less.



Engineers — Surveyors — Site Planners J.0.91003

> **Baltimore County Government** Office of Zoning Administration and Development Management Office of Planning & Zoning

1017 t. 1991

111 West Chesapeake Avenue

Towson, MD 2120+

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-501-A S/S Washington Boulevard, 200° E of Old Washington Road 4123 Washington Boulevard 13th Election District - 1st Councilmanic Petitioner(s): Harry J. Huntsman HEARING: TUESDAY, AUGUST 27, 1991 at 9:00 a.m.

Special Hearing to approve an amended site plan as approved in zoning case #69-95-A. Variance to permit a 2 foot side yard in lieu of the required 30 feet; to permit a 6 foot rear yard in lieu of the required 30 feet; to permit parking setbacks of 2 feet and 4 feet in lieu of the required 10 feet; to permit 7 parking spaces in lieu of the required 12 spaces; to permit a minimum parking isle width of 17 feet in lieu of the required 20 feet; that the property owner not be required to provide a loading area; to allow the driveways and parking areas not to be paved or macadamed, but to have a crusher run surface; and that the property owner not be required to provide a permanently striped parking

Zoning Commissioner of Baltimore County

cc: Harry J. Huntsman S. Eric DiNenna, Esq.

91-501-57417 CERTIFICATE OF POSTING

Date of Posting Gugust 4, 1991 15/3 Washington Blod 200' E of Uld Washington 4123 Washington Boulevard Location of Signe In front of 4123 Washington Boulerard Date of return: Gagast 9, 1991 Amber of Signe: ______

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesspeake Avenue in Towson, Meryland 21204 as follows: Case Number: 91-501-A S/S Washington Boulevard, 200' E of Old Washington Aug 27, 1991 at 9:00 a.m.

Special Hearing: to approve an amended alse pien as approved in zoning case #69-95-A. Variance: to permit a 2 foot side yard in lieu of the required 30 feet; to permit a 6 foot reer yard in lieu of the required 30 feet; to permit parting sebacks of 2 feet and 4 feet in lieu of the required 10 feet; to permit 7 parting spaces in lieu of the reuired 12 spaces; to permit a minimum parting lele width of 17 feet in lieu of the required 20 feet; that the property owner not be required to provide a loading area; to allow the driveways and parting areas not to be paved or macedamer, but to have a cruster run surface; and that the property owner not be required to property owner not be required to provide a permanently striped perking area.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of weeks, the first publication appearing on X

THE JEFFERSONIAN.

5. Zeke Olian

Publisher

887 3353

V 83.92

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

July 31, 1991

S. Eric DiNenna, Esquire 409 Washington Avenue, Ste 600 Towson, MD 21204

> RE: Item No. 446, Case No. 91-501-SPHA Petitioner: Harry J. Huntsman Petition for Special Hearing and Zoning Variance

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Chairman Zoning Plans Advisory Committee

Enclosures

cc: Mr. Harry J. Huntsman 4123 Washington Blvd Halethrope, MD 21227

Special Hearing: to approve an amended alte plan as ap-proved in zoning case #69-95-A. Variance: to permit a 2 foot side yard in lieu of the required 30 feet; to permit a 6 foot rear yard in lies of the required 30 feet; to permi of the required 30 feet; to permit parting selbacks of 2 feet and 4 feet in lieu of the required 10 feet; to permit 7 parking spaces in lieu of the required 12 apaces; to permit a minimum parting late width of 17 feet in fleu of the required 20 feet; that the property owner not be required to provide a loading area; to allow the driveways and parting areas not to be paved or macadamed, but to have a crusher run surface; and that the property owner not be required to property owner not be required to provide a permanently striped Zoning Commissioner of Beltimore County A/J/6/007 August 1.

111 West Chesapeake Avenue

Towson, MD 2120+

NOTICE OF HEATING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesspeaks Avenue in Towson, Maryland 21204

Case Number: 91-501-A S/S Washington Boulevard, 200' E of Old Washington

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the ARBUTUS TIMES, a weekly newspaper published in Baltimore County, Md., once in each of ________successive weeks, the first publication

5. Zete Orlon

Baltimore County Government Office of Zoning Administration

887-3353

and Development Management

Office of Planning & Zoning

Your petition has been received and accepted for filing this

Zoning Plans Advisory Committee

5th day of June, 1991.

Petitioner: Harry J. Huntsman

Petitioner's Attorney: S. Eric DiNenna

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

COPY

111 West Chesapeake Avenue Towson, MD 2120+

DATE: 8 6 91

Harry J. Huntsman 4123 Washington Boulevard Halethrope, Maryland 21227

Case Number: 91-501-A S/S Washington Boulevard, 200' E of Old Washington Road 4123 Washington Boulevard 13th Election District - 1st Councilmanic Petitioner(s): Harry J. Huntsman HEARING: TUESDAY, AUGUST 27, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that $\frac{133.92}{}$ is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONTING COMMISSIONER BALTIMORE COUNTY, MARYLAND

cc: S. Eric DiNenna, Esq.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: June 27, 1991

J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: John Dietz/Harry J. Huntsman, Item No. 445 and 446

In reference to the petitioners' request, staff offers the following comments:

Based upon a site visit to the property and the information provided, this office recommends that the applicants' requested setback variances be granted conditioned upon the following:

- 1. The auto parts building at 4121 Washington Boulevard suffers from a degree of deferred maintenance. For example, the building need painting and a 4'X 8' sign affixed to the front wall should be replaced.
- 2. The rear of both properties have no provision for the screening of abutting residential properties. Therefore, a fence should be erected on the applicants' sites with
- suitable landscaping facing the homes along Old Washington 3. The applicants should file a landscape plan with the Baltimore County landscape planner for approval by the
- deputy director of the Office of Planning and Zoning. Subsequent to approval of the plan, it shall be submitted to the zoning office and maintained in the official file. While staff does not generally support variances to the required durable and dustless surface regulations, in this case, we defer to the Department of Environmental Protection and Resource Management whose input in this particular case is important due to the location of a drainage swale.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm ITEM445.446/ZAC1

BALTIMORE COUNTY, MARYLAND Inter-office Correspondence

Zoning Commissioner, Office of Planning & Zoning

Zoning Variance Request, ZAC #446

Barry Huntsman Property Owner: 4123 Washington Boulevard

B.R.-C.S.-1

Existing Zoning: 5,986 square feet

Area: 13th Election District, 1st Councilmanic District District:

This office recommends approval of crusher-run "crushed stone" in lieu of the required durable and dustless surface for the parking area. All crusher-run surfaces are to be treated in accordance with Environment Article 26.11.06.03 D (2) in order to prevent particulate matter from becoming airborne. Treatment and maintenance of this surface is an owner responsibility and will be on a continuing basis as necessary to control airborne particulate.

ZONNE MITTE

Location:

cc: Zoning Variance File

Baltimore County Government Fire Department 700 East Joppa Road Suite 901 Towson, MD 21204-5500

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

HARRY J. HUNTSMAN RE: Property Owner:

> Location: #4123 WASHINGTON BOULEVARD

Item No.: 446 Zoning Agenda: JUNE 4, 1991

Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be

MAY 33, 1991

(301) 887-4500

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 161 "Life Safety Code", 1988 edition prior to occupancy.

corrected or incorporated into the final plans for the property.

Noted and 🖪 REVIEWER: Caff Louis Kell, 6-3 41 Approved Captured Fire Prevention Eureau Special Inspection Division

JK/KFK

D.R. **5**.5

Care: 12. 200 5

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 3, 1991

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for June 4, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 431, 441, 442, 443, 448, 449, and 451.

For Items 432,, 439 and 444, the previous County Review Group comments are still applicable.

For Items 445, 446, 450 and 453, County Review Group Meetings are required.

For Item 447, this site is subject to the previous minor subdivision comments.

Robert W. Bowling, H. E., Chief, Developers Engineering Division

RWB: B

received

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: August 22, 1991

Mr. Arnold Jablon. Director Office of Zoning Administration

and Development Management Rahee J. Famili

SUBJECT: Z.A.C. Comments

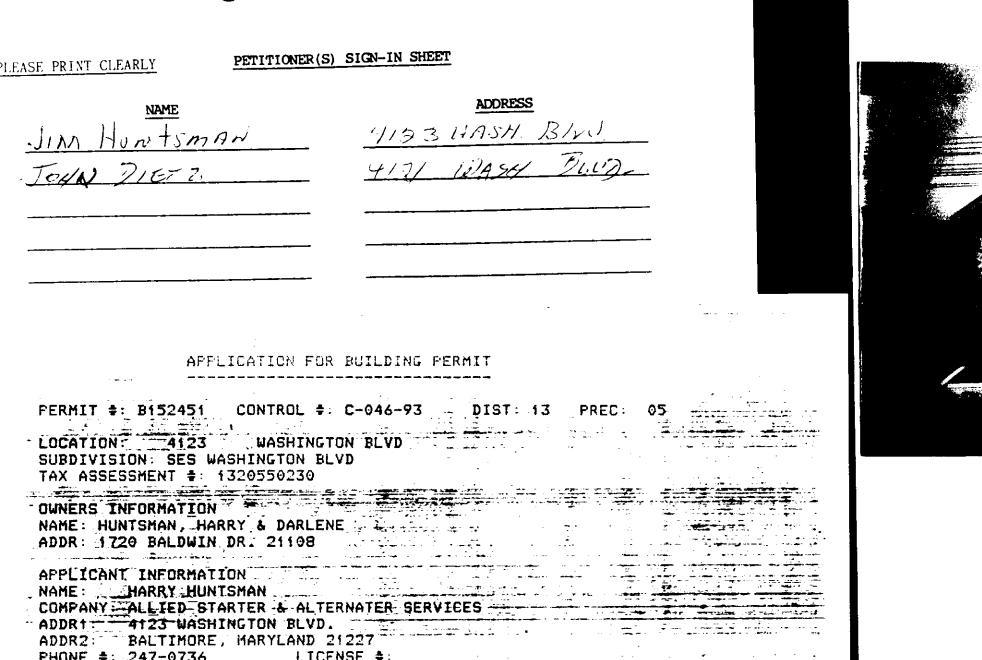
Au6 2711. 91-501

Z.A.C. MEETING DATE: June 4, 1991 TTEM NUMBER: 446

The proposed parking spaces may be difficult to utilize.

Tralfic Engineer 11

RJF/lvd



PHONE #: 247-0736 LICENSE #:

TRACT: BLOCK:
PLANS: CONST 0 PLOT 0 R FLAT 0 DATA 0 ELEC NO PLUM NO ___

PLANS: CONST 0 PLOT 0 R PLAT 0 DATA 0 ELEC NO PLUM NO
TENANT:

CONTR: DUNER

ENGINE:

SELLR:

WORK: CONSTRUCT 1 STY ADD.ATTACHED TO SIDE OF EXIST.

SERVICE GARAGE TO BE USED AS STORAGE. ANY

ADDITIONAL WORK REQUIRES SEPARATE PERMIT. SEE

CASE #91-501-SPHA. REFER TO EXP.PERMIT B111862,

C-2131-91 FOR CONSTR.& SITE PLANS. CONSTR.PLANS
WAIVED PER RSW. 16X40X16=640 SQ.FT.

PROPOSED USE: SERVICE GARAGE/MFG. & ADDITION EXISTING USE: SERVICE GARAGE/MFG.

BLDG. CODE: BOCA CODE RESIDENTIAL CATEGORY: ESTIMATED COST OF MATERIAL AND LABOR: 15,000.00

TYPE OF IMPRV: ADDITION USE: SERVICE STATION, REPAIR GARAGE FOUNDATION: SLAB SEWAGE: PUBLIC EXIST CONSTRUCTION: MASONRY CENTRAL AIR:

BASEMENT: NONE WATER: PUBLIC EXIST

SINGLE FAMILY UNITS
TOTAL 1 FAMILY BEDROOMS
MULTI FAMILY UNITS
EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDRO
NO. OF 2-BEDROOMS: NO. OF 3 BEDROOMS OR MORE:
TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS

PETITIONER(S) EXHIBIT ()



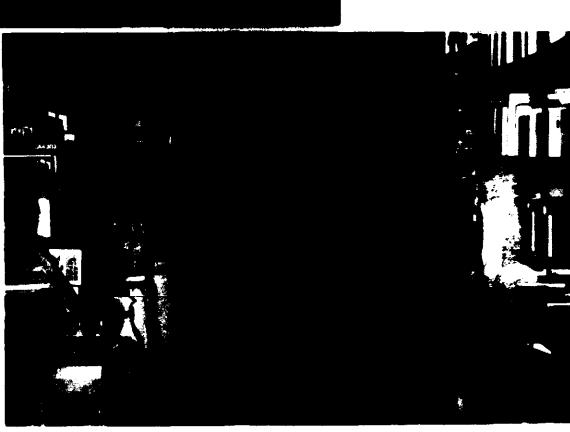
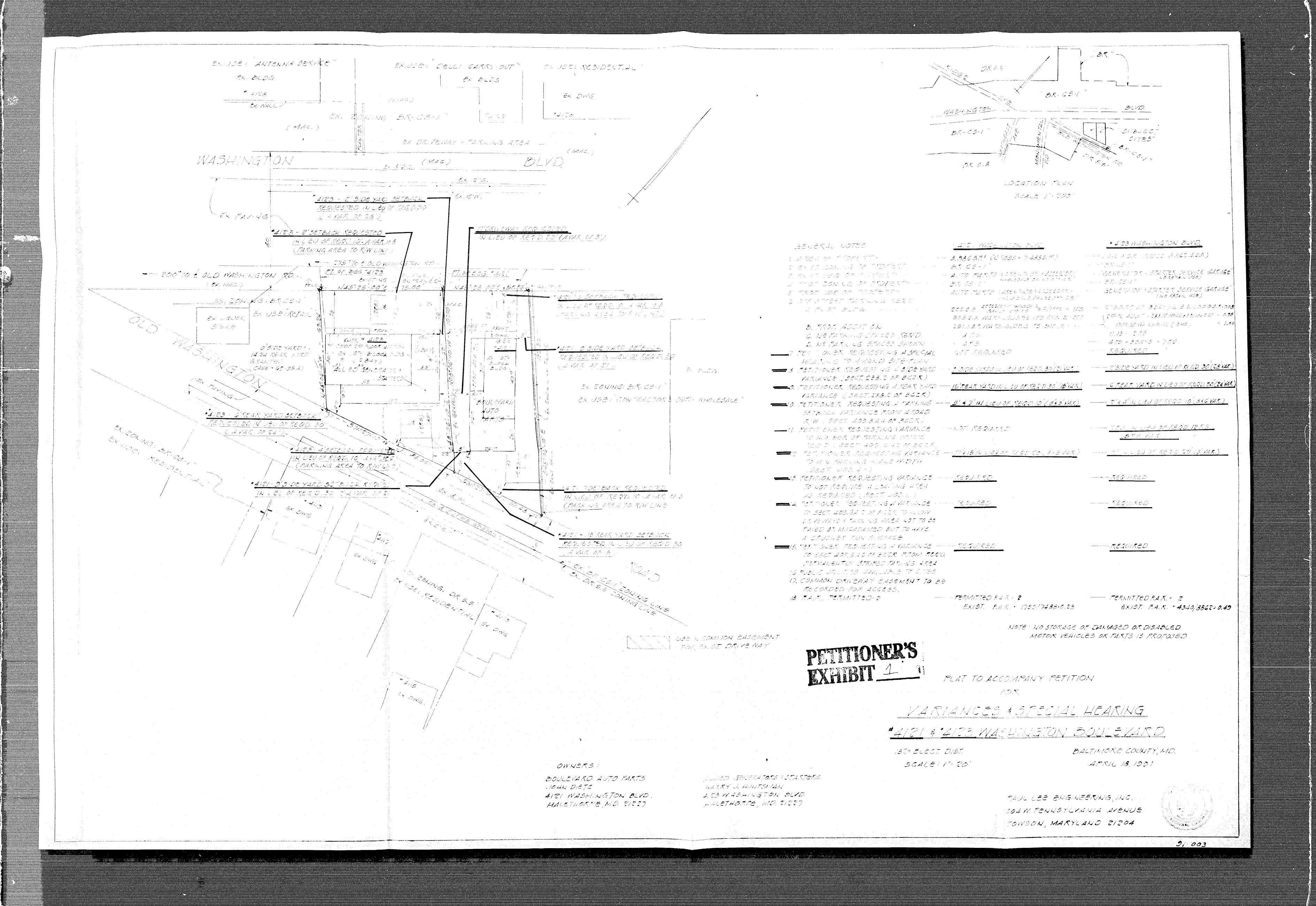




EXHIBIT 3



____ OF COUNSEL Francis X. Borgerding, JR. ‡ \$ ALSO MEMBER OF DISTRICT OF COLUMBIA BAR

MERCANTILE BLDG. - SUITE 600 400 WASHINGTON AVENUE TOWSON, MARYLAND 91904

> (410) 206-0020 FAX (410) 206-0004

S. ERIO DINENNA (1906-1991) OF COUNSEL JENKINS & AWALT

November 17, 1994

Timothy M. Kotroco Deputy Zoning Commissioner for Baltimore County Court House Towson, Maryland 21204

> RE: Petition of Harry J. Huntsman Case No.: 91-501-SPHA

Dear Mr. Kotroco:

Enclosed please find a copy of a Deed of Declaration and Easement between Harry Huntsman and Darlene Hunstman, his wife, and John Dietz and Patricia M. Dietz, his wife, and John Michael Dietz and Patricia Colleen Dietz recorded in the Land Records of Baltimore County at Liber 10632 folio 455. The enclosed was filed pursuant to Restriction Number 4 in your Opinion and Order dated August 28, 1991 in case number 91-501-SPHA.

As I have indicated in our previous conversation, S. Eric DiNenna was in the process of coordinating with Paul Lee, a license engineer, in order to prepare an Easement such as the enclosed at the time of his death in November of 1991. In fact, Mr. Lee sent Mr. DiNenna plats and descriptions for the enclosed Easement on November 15, 1991, a few days before Mr. DiNenna's death. Mr. DiNenna's untimely death and in addition the fact that Mr. DiNenna's file relating to this matter was never discovered after Mr. DiNenna's death, accounted for the fact that the enclosed was not filed directly after that time.

The enclosed is being sent along with this cover letter to request that you clarify that, under the circumstances of Mr. DiNenna's death, you do not consider the timeliness of a filing of the enclosed in violation of Restriction Number 4 or your stated intentions in your Opinion dated August 28, 1991 in case number 91-501-SPHA.

Would you please indicate your agreement that under the circumstances you do not consider the timeliness of the filing of the enclosed in violation of Restriction Number 4 or your stated intentions in your Order dated August 28, 1991 in case number 91DINENNA AND BRESCHI

Timothy Kotroco November 17, 1994

Thank you for your cooperation with regard to this matter.

Very truly yours, RANCIS X. BORGERDING, JR.

FXBJr:bjk

Reviewed and agreed to:

Rotroco Pimothy M. Kotroco Deputy Zoning Commissioner for Baltimore County

Huntsman, Dietz, the Remaindermen and the public roads bordering the said properties. Huntsman further covenants and agrees that no buildings or similar structure shall be constructed in the easement

FURTHER WITNESSETH, that in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, Huntsman, Dietz and Remainderman do further agree that the cost of maintaining the easement area shall be evenly divided between the parties hereto.

incorporated herein by reference is a description of the entire easement area which said is recorded for the purposes of clarification and which said area shown on the drawing attached hereto as Exhibit C-1.

FURTHER WITNESSETH, that attached hereto as Exhibit C and

This document may be signed in counterparts.

WITNESS the hands and seals of the parties on the date first written above:

010632.458

WITNESS: y (promisio Apiris

This is to certify that the within instrument has been prepared by or under the supervision of the undersigned attorney, admitted to practice in Maryland.

010632.455

Coleen Dietz, ("Remainderman").

The Deed and Declaration of Easement made this _ ? ~ day of 1994 by and between Harry Huntsman and Darlene Huntsman, his wife, ("Huntsman") and John Dietz, Patricia M. Dietz, his wife, ("Dietz") and John Michael Dietz and Patricia

DEED OF DECLARATION AND EASEMENT

WHEREAS, Huntsman is the owner of all that real property described in a Deed dated June 28, 1989 recorded among the Land Records of Baltimore County in Liber 8751, Folio 213, and improvements thereon being known as 4123 Washington Boulevard; and

WHEREAS, Dietz and the Remaindermen are the owners of all the real property described in a Deed dated June 24, 1986 and recorded among the Land Records of Baltimore County in Liber 7209, Folio 771; Dietz therein being granted a life estate with powers the improvements thereon being known as 4121 Washington Boulevard; and

WHEREAS, the aforementioned properties are contiguous lots of ground which said properties share a common driveway for means of ingress and egress in and to Washington Boulevard a public road, lying situate in Baltimore County, State of Maryland; and

WHEREAS, the parties hereto have entered into this Deed of Declaration of Easement to establish, locate and describe the easement area for means of ingress and egress.

NOW THEREFORE, Witnesseth the parties hereto to hereby establish, grant and convey the hereinafter described easement and

FURTHER WITNESSETH that in consideration of One Dollar (\$1.00) and other good and valuable consideration the receipt and adequacy RECEIVED FOR TRANSFER

ACRICHUSUPAL TRANSFER TAX

State Department of to Subject the subjects Act in minutes & Torotton

010632.459

State of Maryland

County of Balting

I HEREBY CERTIFY that on this 1994, before me, a Notary Public of the State of Maryland, personally appeared HARRY HUNTSMAN, known to me to be the person whose name is subscribed to the aforesaid instrument, who acknowledged that he executed the same for the purpose therein contained.

My Commission Expires:___

State of Maryland County of <u>Saltina</u>

I HEREBY CERTIFY that on this ___ day of ______ 1994, before me, a Notary Public of the State of Maryland, personally appeared DARLENE HUNTSMAN, known to me to be the person whose name is subscribed to the aforesaid instrument, who acknowledged that she executed the same for the purpose therein contained.

My Commission Expires:

010632.456

of which is hereby acknowledged, the actual consideration being paid is zero dollars, Dietz, Remaindermen and their personal representatives, heirs, successors and assigns do hereby grant and convey unto Huntsman, their personal representatives, heirs, successors and assigns an Easement for the use and benefit of the property being known as 4123 Washington Boulevard over all that area described in Exhibit A, attached hereto and incorporated herein by way of reference, which said area is shown on the drawing attached hereto as Exhibit A-1; which said easement is granted for the purpose of ingress and egress between the properties of Hunstman, Dietz, the Remaindermen and the public roads bordering said properties. Dietz and the Remaindermen further covenant and agree that no buildings or similar structure shall be constructed in the easement area.

FURTHER WITNESSETH, that in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the actual consideration being paid being zero dollars Huntsman, his personal representative, heirs, successors and assigns do hereby grant and convey unto Dietz and the Remaindermen, their respective personal representatives, heirs, successors and assigns an easement for the benefit of property being known as 4121 Washington Boulevard over all that property described in Exhibit B attached hereto and incorporated herein by way of reference and further shown on the drawing attached hereto as Exhibit B-1; which said easement is for the purpose of ingress and egress between the properties of

010632.460

NOTARY

State of Maryland County of

I HEREBY CERTIFY that on this ____ day of _ 1994, before me, a Notary Public of the State of Maryland, personally appeared JOHN DIETZ, known to me to be the person whose name is subscribed to the aforesaid instrument, who acknowledged that he executed the same for the purpose therein contained.

My Commission Expires:_

NOTARY

State of Maryland County of Baltime

I HEREBY CERTIFY that on this ______ day of 1994, before me, a Notary Public of the State of Maryland, personally appeared PATRICIA M. DIETZ, known to me to be the person whose name is subscribed to the aforesaid instrument, who acknowledged that she executed the same for the purpose therein contained.

010632.461 State of Maryland contained. 8751-213

4123 WASHINGTON BLVD.

HALETHORFE, MD, ZIZZZ

I HEREBY CERTIFY that on this ____ day of _ 1994, before me, a Notary Public of the State of Maryland, personally appeared JOHN MICHAEL DIETZ, known to me to be the person whose name is subscribed to the aforesaid instrument, who acknowledged that he executed the same for the purpose therein State of Maryland
County of County I HEREBY CERTIFY that on this 3 day of week 1994, before me, a Notary Public of the State of Maryland, personally appeared PATRICIA COLEEN DIETZ, known to me to be the person whose name is subscribed to the aforesaid instrument, who acknowledged that she executed the same for the purpose therein My Commission Expires: $\frac{\chi}{\sqrt{\sigma^{4}/47}}$ 010632.465 WASHINGTON BLYD. (EX.PAVING) - EX.MAC. ENTRANCE 7 (FT. OF BEG. N45:25:00'E - 75.00' 74.00 ' - 15T LINE 8751-213 (EXIST. PAYING)

(8751-213) EASEMENT 44123 74121 EX. BUILDING ALLIED GENERATOR & STARTERS

010632.462 Faul La G. E. Paul Los Engineering Inc. 301 W. Pransylvania Aca. Touran, Maryland 22008

> No. 4121 Washington Boulevard Part of 7209 folio 771 13th Election District, Baltimore County, Maryland

Beginning for the same on the south side of Washington which by deed dated June 24, 1986 and recorded among the land records of Baltimore County in liber 7209 folio 771 was conveyed by Legal Trustees, Inc. to John Dietz and wife, parties of the first part and Paul Joseph Dietz, etal, parties of the third part; thence running with and binding on part of the first line along the south side of Washington Boulevard, N 45°25'00" E - 17 feet[±], thence running for a line of division Southerly - 111 feet to intersect the third line, thence running with and binding on part of said third line and on the fourth line as follows: $5.71^{\circ}27^{\circ}10^{\circ}$ W - 9 feet* and N $48^{\circ}06^{\circ}10^{\circ}$ W -

107.09 feet to the place of beginning.

010632.466

Faul Lea 9.6

of beginning.

J.O. 91-003

Paul Lee Engineering Inc.

304 W. Pennsylvania Ava. Towson, Maryland 21204

410-821-5941

November 8, 1991

13th Election District, Baltimore County, Maryland

wife, etal to Harry J. Huntsman and wife; said point of beginning being

the south side thereof N $45^{\circ}25'00"$ E - 1 foot[±] to the beginning of the 5986 square foot parcel of land which by deed dated June 24, 1986 and recorded among the land records of Baltimore County in liber 7209 folio 771 was conveyed by Legal Trustees, Inc. to John Dietz and wife, parties

of the first part and Paul Joseph Dietz, etal, parties of the third

part; thence running with and binding on part of the first line along the south side thereof N 45°25'00" E - 17 feet[±], thence running for a line

of division in a southerly direction lll feet to intersect the third line

in deed 7209 folio 771, thence running with and binding on part of the third line S 71°27'10" W - 9 feet to the beginning of the third line in

deed 8751 folio 213, thence running with and binding on part of said third line S 71°27'10" W - 15 feet⁺, thence running for three lines of

division as follows: in a northerly direction 15 feet, in a easterly

direction 5 feet[±], and in a northerly direction 86 feet[±] to the place

EXHIBIT "C"

J.O. 91-003

74 feet [±] measured northeasterly along said first line from the beginning thereof, thence running with and binding on part of the first line along

Nos. 4121 and 4123 Washington Boulevard

PT. OF BEG. - CX. MAG. ENTRANCE Z 7209-7714 (N45:25:00"E - 50.09"-PAYING, ENGINEER: OWNER: EASEMENT. JOHN DIETZ (7209-771) OLD MASLINGTON PLAT TO ACCOMPANY DESCRIPTION VARIABLE WIDTH EASEMENT FOR INGRESS AND EGRESS 4121 WASHINGTON BOULEVARD BALTIMORE CO., MO. 13TH ELECT. DIST.

SCALE: 1"=20" MOV. 14,1991 EXHIBIT A-1 ALYD.

PAUL LEE ENGINEERING, INC. 304 W. PENNSYLYANIA AVE. TOWSON. MARYLAND 21204 4121 WASHINGTON BLYD. HALETHORPE, MD. 21227

- EX.MAG. ENTRANCE N45:25:00"E - 75.00 .- N45:25-00"E - 50.09 · 15T LINE 8751-213 7209-771 * 4123 #4121 EX. BUILDING ALLIED GENERATOR & STARTERS (8751-213) EX. 1374. BLDG. "BOULEYARD PLAT TO ACCOMPANY DESCRIPTION

SCALE: 1" = 20'

PAUL LEE ENGINEERING INC. 304 M. FENNSYLVANIA AYE TOWSON, MARYLAND 21204

ISTHELECT. DIST. BALTIMORE CO, MO. NOY. 14, 1991

EXHIBIT "C"-1

YARIABLE WIDTH EASEMENT FOR INGRESS & EGRESS 418194183 WASHINGTON BLYD.

the state of the s

010632.464 Paul Lee Engineering Inc. 308 W. Pranylvania An. Town, Maryland 24208 November 8, 1991

No. 4123 Washington Boulevard

Part of 8751 folio 213 13th Election District, Baltimore County, Maryland

Beginning for the same on the south side of Washington Boulevard at the beginning of the second line of the 6600 square foot parcel of land which by deed dated June 28, 1989 and recorded among the land records of Baltimore County in liber 8751 folio 213 was conveyed by Robert A. Totis and wife, etal to Harry J. Huntsman and wife; thence leaving Washington Boulevard and running with and binding on the second line S 48°06'10" E - 107.09 feet+, thence running with and binding on part of the third line S 71°27'10" W - 15 feet[±], thence running for a line of division in a northerly direction 15 feet[±], thence in a easterly direction 5 feet[±], thence in a northerly direction 86 feet[±], to the south side of Washington Boulevard and to intersect the first line in deed above referred to, thence running with and binding on part of said first line along the south side thereof N 45°25'00" E - 1 foot± to the place of beginning.

EXHIBIT "B"

J.O. 91-003

ENGINEER: PAUL LEE ENGINEERING, INC. 304 W. PENNSYLVANIA AYE. TOWSON TOWN LAND-21204 PLAT TO ACCOMPANY DESCRIPTION VARIABLE WIDTH EASEMENT FOR INGRESS AND EGRESS *4123 WASHINGTON BOULEVARD OWHER: HARRY J. HUNTSMAN 13THELECT. DIST. BACTIMORE CO. MD.

5 CALE: 1"- 20"

NOV. 14, 1991

EXHIBIT B-1